

REMARKS

Reconsideration of this application is respectfully requested. Claims 17 and 28 have been amended, and claims 3, 6, 8, 9, 10, 18, 20, 22, 25, 26 and 27 have been previously canceled. As such, claims 1, 2, 4, 5, 7, 11-17, 19-21, 23, 24 and 28-32 are in this application and are presented for the Examiner's consideration in view of the following comments.

At the outset, Applicants respectfully note some discrepancies in the office action. First, although the Examiner has not stated in the FINAL office action the basis of the rejection of claim 4, Applicants will assume that the basis of the rejection of claim 4 is similar to the basis of the rejection for claim 21, which has similar requirements.

Further, the rejection asserted in paragraph 6 of the office action does not mention the Logan reference, yet the Logan reference is applied on page 6 of the office action as a part of this rejection. Applicants will assume that the rejection asserted in paragraph 6 should have listed the Logan reference.

In addition, the Examiner has provided comments with respect to dependent claim 6, yet claim 6 has been canceled.

Finally, the Examiner has rejected claim 7 for the same reasons twice (paragraphs 10 and 20).

Turning now to the claim amendments, claim 17 has been amended to correct a typographical error. Claim 28 has been amended to correctly depend from claim 17. Applicants respectfully request entry of these amendments to place the claims in better condition for appeal.

Claims 1-5, 8-17, 19, 24, 29 and 32 have been rejected on the grounds of provisional nonstatutory obviousness-type double patenting based on Applicants' co-pending U.S. Patent Application No. 10/542,972. Applicants request deferral of this provisional rejection until such time as U.S. Patent Application No. 10/542,972 is allowed and the present application has allowable subject matter.

Claims 1, 2, 4, 5, 7, 11, 12, 17, 19, 21, 23, 24 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,535,717 issued March

18, 2003 to Matsushima et al. (*Matsushima*) in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun (*Yun*) and further in view of U.S. Patent No. 5,371,551 issued December 6, 1994 to Logan et al. (*Logan*). Applicants still respectfully disagree.

Applicants incorporate by reference Applicants' arguments in Applicants' response filed on 30th August 2010. In addition, Applicants offer the following additional arguments.

With regard to Applicants' independent claim 17, although not addressed by the Examiner for claim 17, *Matsushima* does not describe a signal carrying information about the respective qualities of the encoded set of signals as claimed by Applicants. Although, for claim 1, the Examiner points to numerous citations in *Matsushima* for this requirement, the simple fact is that nowhere does *Matsushima* describe a signal carrying information about the respective qualities of the encoded set of signals as claimed by Applicants. In fact, there is no reason for the system described by *Matsushima* to have such a signal. In particular, in the *Matsushima* system the receiver, itself, already has information about the quality of each received signal because the receiver is specifically designed to receive a certain number of high quality and low quality signals. (*Matsushima*, e.g., FIG. 6.) Therefore, there is no signal in *Matsushima* for carrying information about the respective qualities of the encoded set of signals as claimed by Applicants.

Further, with regard to Applicants' claimed storage device, the Examiner's comments with respect to *Yun* miss the mark. The Examiner points to the video decoder 600 and the display 600-1 of *Yun* as a storage device because of the implied use of a "frame buffer". Respectfully, no one skilled in the art would think a video decoder (for decoding video, *Yun*, col. 6, lns. 22-26) and a display element (for displaying an image, *Yun*, col. 6, lns. 22-26) is a storage device for storing the reproduced content representative signal as claimed by Applicants. A "frame buffer" is temporary and is not a storage device as known in the art.

In addition, although also not addressed by the Examiner with regard to claim 17, Applicants will again repeat that nowhere does *Logan* describe, or suggest, that the storage device generates a signal representing the status of the storage device; and that

the decoder comprises circuitry for automatically reproducing the content representative signal at the desired quality in response to the status representative signal. In particular, the Examiner points to col. 5, ln. 65, to col. 6, ln. 3, of *Logan*, for similar claim requirements found in Applicants' claim 1. Respectfully, the Examiner is still wrong. This portion of *Logan* states:

[i]n addition to varying the read and write points the microcontroller 22 may also vary the compression ratio of the compressor 18 to increase the effective capacity of the buffer memory by reducing the resolution, color quality image size of the stored images, to vary the effective programming buffer capacity.

Logan, col. 5, ln. 65, to col. 6, ln. 3; emphasis added.

Simply put, nowhere does this portion of *Logan* describe, or even suggest, that the storage device generates a signal as required by Applicants' claim 17. As such, it is also not possible for *Logan* to describe "circuitry for automatically reproducing the content representative signal in response to the status representative signal" as required by Applicants' claim 17. Finally, nowhere does *Logan* describe or suggest, "circuitry for automatically reproducing the content representative signal at the desired quality" as required by Applicants' claim 17. All that *Logan* describes is that the microcontroller 22 may reduce the resolution to increase the effective capacity of the buffer memory. This is not done in response to a signal generated by a storage device as claimed by Applicants; nor is this done at a desired quality as claimed by Applicants.

In view of any one of the above reasons, the combination of *Matsushima* in view of *Yun* and further in view *Logan* does not describe the requirements of Applicants' claim 17 as asserted by the Examiner.

Regardless, there is no reason to modify *Matsushima* with *Yun* as suggested by the Examiner for any number of reasons.

First, in the *Matsushima* system the receiver, itself, already has information about the quality of each received signal because the receiver is specifically designed to receive a certain number of high quality and low quality signals. (*Matsushima*, e.g., FIG. 6.) Therefore, there is no reason, or motivation, to now add redundant

information about qualities of the encoded signals into the transmitted signal itself as described in *Yun*.

Second, the problem addressed by *Yun* is already solved in Matsushima. *Yun* provides information about the quality of the encoded signals so that if a high definition video signal is available on another channel for the same program, the user can switch to the high definition video signal. (*Yun*, col. 3, lns. 31-38.) However, *Matsushima* always provides the highest quality video signal. (*Matsushima*, col. 10, lns. 60-63.) As such, the user in *Matsushima* never experiences the problem addressed by *Yun*.

In view of any one of the above reasons, there is no reason for one skilled in the art to combine *Matsushima* with *Yun* as asserted by the Examiner.

As such, Applicants' independent claim 17 is patentable over *Matsushima* in view of *Yun* and further in view of *Logan*.

Similar comments apply to Applicants independent claim 1.

Consequently, Applicants dependent claims 2, 4, 5, 7, 11, 12, 19, 21, 23, 24 and 28 are also patentable over *Matsushima* in view of *Yun* and further in view of *Logan*.

Claims 13-16 and 29-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 17.

Claim 32 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent No. 6,687,305 issued February 3, 2004 to Nakamura et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 17.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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